

REMARKS

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested. The applicants have reviewed the First Office Action of April 23, 2003 (the Office Action), and respectfully assert that this paper is responsive to all points raised therein.

I. Amendments To The Drawings and Claims

Drawing Figs. 6 and 11 have been amended editorially, such that element 38 is pointed to consistently throughout the drawings. These drawing amendments have been made in red ink and do not add new matter. Approval is requested.

Claims 1-7, 13, 15-19 and 21-25 have been amended. Support for these amendments to claims 1-7, 13, 15-18 and 21-25 is at numerous places in the specification and drawings and for example, in Drawing Figures 1-20.

Claim 19 has been amended for formalities. The amendment is editorial in nature.

New claims 26-42 have been added. It is respectfully asserted that these claims are supported at numerous places in the specification and drawings and, for example, in Drawing Figures 1-20.

It is respectfully asserted that all amended claims and new claims do not add new matter.

II. Response to Drawing Objections

The drawings were objected to under 37 CFR 1.83(a). Please note that the claim language corresponding to some features of the tab outer shape have been cancelled from claim

5. Accordingly, it is respectfully asserted that this objection has been cured and should be withdrawn.

Applicants note however, that various tab outer edge shapes are supported in the specification at Paragraph 0037.

III. Response to Claim Objections

Applicants have amended claims 1 and 15 for proper antecedents, in accordance with the Examiner's suggestions. With respect to the "substrate member" in claims 1-25, please note that this "substrate member" is indicated, for example, throughout the specification and drawings as element 14. Accordingly, there is adequate support for this recited "substrate member" in claims 1-25.

Based on the above, it is respectfully asserted that the objections to claims 1-25 have been cured and should be withdrawn.

IV. Response to Rejections under 35 USC 112, Second Paragraph

Claim 5 was rejected under 35 USC 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention.

The applicants have amended claim 5 accordance with the Examiner's suggestions. Accordingly, it is respectfully asserted that claim 5 is now proper under 35 USC 112, second paragraph, whereby this rejection has been overcome.

V. Response to Rejections Under 35 USC 102(b)

Claims 1-6, 8-11 and 15-19 were rejected under 35 USC 102(b) as anticipated by Gohlke (U.S. Patent No. 5,042,676) (Gohlke '676).

Claims 1 and 15, as amended, are directed to handles having ring members formed of a leg and a base, with a tab connected to the handle member. The tab is configured such that when pressed will allow the ring member to move outward. The ring member is configured for being rotatably coupled to a substrate member or faceplate, respectively. As a result of this structure, the tab can be pressed, causing the ring member to move outward with respect to the substrate or faceplate so as to allow it to be gripped, and ultimately rotated to open a latch or the like.

Gohlke '676 discloses a ring-shaped handle 6 for containers and the like. The handle 6 is pivotally mounted to a pivot support bracket 3, that is fixed to a bracket plate 4 (substrate or faceplate). The support bracket 3 is fixed to the bracket plate 4. This fixed mounting of the support bracket 3 to the bracket plate 4, only allows the handle 6 to be moved pivotally, along an arc with respect to the support bracket 3 (this pivotal movement limited by the ends 5 of the support bracket 3 or alternately, an abutment 14 on the handle 6), but not rotatably.

This is in contrast to the claimed invention, where the ring member is configured for rotatable coupling to a substrate member or faceplate, respectively. Moreover, Gohlke '676 lacks any kind of tab that can be pushed to move the handle, corresponding to the recited ring member, outward.

Based on the above, Gohlke '676 fails to show the claimed invention. Accordingly, it is respectfully asserted that claims 1 and 15 are not anticipated under 35 USC 102(b) by Gohlke.

Since claims 1 and 15 are not anticipated under 35 USC 102(b) in view of Gohlke '676, claims 2-6, 8-11 and 16-19, respectively dependent thereon, are also not anticipated by Gohlke '676 for the same reasons. These claims further distinguish the invention over the cited art.

VI. Response to Rejections under 35 USC 103(a)

Claims 1, 12-15, 20 and 21 were rejected under 35 USC 103(a) as being unpatentable over Hansen, et al. (U.S. Design Patent No. D317,398) (Hansen '398) in view of Gohlke '676.

Claims 1 and 15 have been discussed above. That discussion is applicable here.

Hansen '398 has been cited to teach a D-shaped ring member that functions as a handle. It is believed that this D-Ring can not be moved outward, as it only rotates in a faceplate.

Gohlke '676 has been cited to teach a tab (14). Gohlke '676 has also been discussed above, that discussion is applicable here. It is respectfully asserted that the structure 14 is not a tab, but rather an abutment, to limit pivotal movement of the handle 6. In no way does this structure 14 function as a tab, that when pressed will move the handle 6 outward.

Hansen '398 fails to suggest modification with Gohlke '676. This is because the Hansen '398 ring rotates, while the handle (ring) 6 of Gohlke '676 does not. Accordingly, the skilled artisan, with Hansen '398 and Gohlke '676, before them would lack any motivation to combine these references, and therefore, is selecting features using impermissible hindsight.

Even if the Examiner's proposed combination of Hansen '398 and Gohlke '676 could be made, the combined structure would lack the tab for the reasons discussed above. Accordingly, this combined structure falls short of the structure recited in claims 1 and 15.

Based on the reasons above, it is respectfully asserted that claims 1 and 15 are non-obvious under 35 USC 103(a) in view of the cited art.

Since claims 1 and 15 are non-obvious under 35 USC 103(a) in view of the cited art, claims 12-14 and 20 and 21, dependent thereon, are also non-obvious in view of the cited art for the same reasons. The claims further distinguish the invention over the cited art.

Claims 7, 13, 15, and 21-25 were rejected under 35 USC 103(a) as being unpatentable over Gohlke '676 in view of Hansen, et al: (U.S. Design Patent No. D317,398).

Claims 1 and 15 have been discussed above. That discussion is applicable here.

Claims 22 and 25, also include the recitations of ring members formed of a leg and a base, with a tab connected to the base. The tab is configured such that when pushed will allow the ring member to move outward, and the ring member is configured for being rotatably coupled to a substrate or faceplate member.

Gohlke '676 has been discussed above. These discussions are applicable here. In particular, as discussed above, what is asserted to be a tab 14 of Gohlke '676 is an abutment, to limit pivotal movement of the handle 6. In no way does this structure 14 function as a tab, that when pressed will move the handle 6 outward.

Hansen '776, has been cited to show mounting of a handle within the recess of a faceplate or substrate, the handle including an outer flange and a foot member that rotates to actuate a latch member.

Initially, it is asserted that the Examiner's combination is improper, as the Gohlke '676 handle 6, as explained above, is not designed for rotation, but only for pivoting, as it is for carrying objects to which it is attached (via the bracket plate 4). Hansen '776 discloses a T-handle for rotating a latch mechanism. Since Gohlke '676 is not designed to rotate, any modifications thereto with the teachings of Hansen '776 can not be made absent hindsight. For this reason, it is respectfully asserted that the Examiner's proposed combination of Gohlke '676 with Hansen '776 can not be made by a skilled artisan.

Even if the Examiner's proposed combination were proper, it is respectfully asserted that it falls short of the claimed invention. This is because, Gohlke '676 fails to show any structure,

equivalent or analogous to the recited tab. Hansen '776 fails to show any kind of tab, and as such, can not cure this deficiency. Accordingly, the Examiner's proposed combination remains structurally deficient.

Based on the reasons above, it is respectfully asserted that claims 1, 15, 22 and 25 are non-obvious under 35 USC 103 in view of the cited art.

Since claims 1, 15, 22 and 25 are non-obvious under 35 USC 103(a) in view of the cited art, claims 7, 13, 21, 23 and 24, dependent on claims 1, 15 and 22, respectively, are also non-obvious in view of the cited art for the same reasons. The claims further distinguish the invention over the cited art.

VII. Additional Remarks

Claims 26-42 have been added to round out the scope of the invention. These claims are allowable over the art of record for the same reasons as the independent claims, 1, 15, 22 and 25, respectively, from which they depend.

The applicants also note the Examiner's citations of Harvey (U.S. Patent No. 5,493,891), Ciepley (U.S. Patent No. 3,681,807), Henriksen (U.S. Patent No. 4,009,506), and U.S. Design Patents, D442,844 to Mirick, D429,141 to Antonucci, D323,970 to Schlak, D393,197 and D390,770 to Burnley, D119,418 to Anderson and D469,678 to Teskey, to complete the record.

VIII. Conclusion

Should the Examiner have any question or comment as to the form, content or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below.

Similarly, if there are any further issues yet to be resolved to advance the prosecution of this

application to issue, the Examiner is requested to telephone the undersigned counsel.

Allowance of all pending claims, 1-42, is respectfully requested.

Respectfully submitted,

POLSINELLI, SHALTON & WELTE, PC

Date: 23 July 2003

by JR Smith

Jerome R. Smith, Jr., Reg. No. 35,684

700 West 47th Street, Suite 1000

Kansas City, MO 64112

Tel: (816) 360-4119

Fax: (816) 753-1536

Attorneys for the Applicant



Fig. 5.

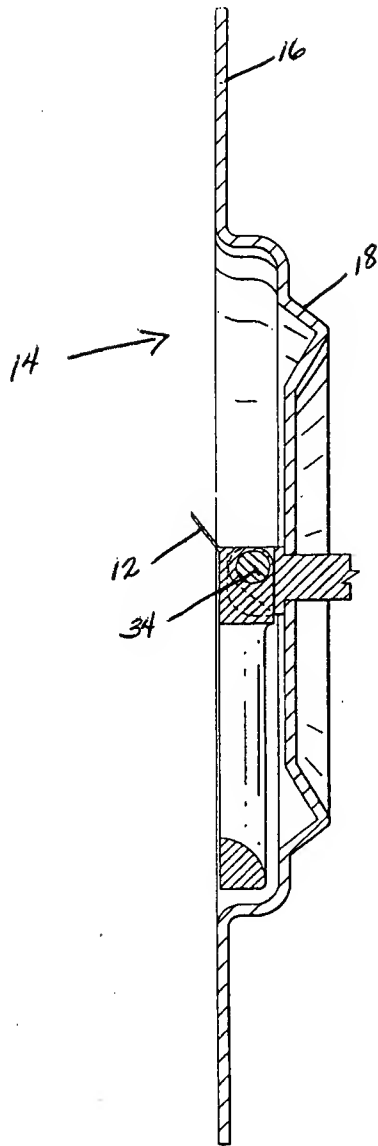


Fig. 6.

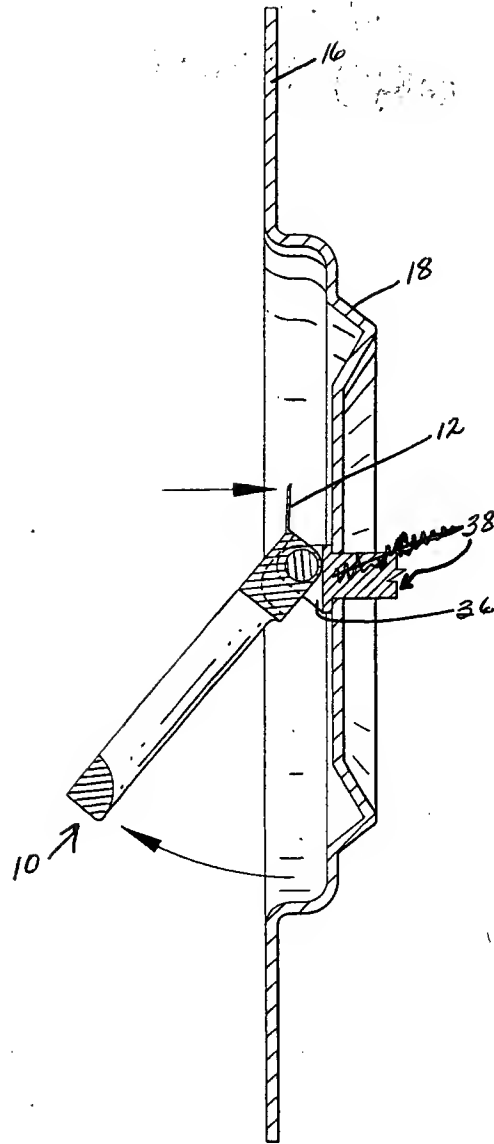


Fig. 11.

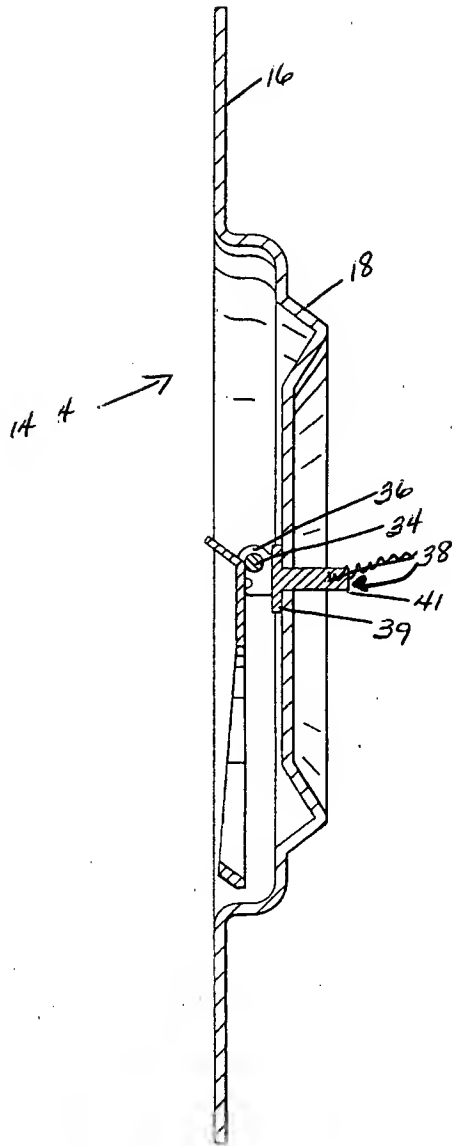


Fig. 12.

